

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**ROBERT CLARK, #731880** §

**VS.** § **CIVIL ACTION NO. 5:06cv179**

**KELLY STRONG, ET AL.** §

**ORDER OF SEVERANCE AND TRANSFER**

Plaintiff Robert Clark, an inmate confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit under 42 U.S.C. § 1983. His complaint concerns matters that occurred at both the Telford and Allred Units. He was transferred from the Telford Unit to the Allred Unit on November 4, 2005. He is still confined at the Allred Unit in Wichita County, Texas. The people he is suing includes Allred Unit employees.

28 U.S.C. § 1391(b) reads as follows:

A civil action wherein diversity is not founded solely on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial portion of the events or omissions giving rise to the claim occurred, or a substantial portion of the property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district wherein the action may otherwise be brought.

To the extent the Plaintiff's claims include matters that occurred at the Allred Unit, such claims arose in Wichita County, Texas, which is in the Northern District of Texas, Wichita Falls Division. 28 U.S.C. § 124(a)(6). Venue for such claims is proper in the Northern District.

28 U.S.C. § 1404(a) provides that: “[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where

it might have been brought.” “Under the transfer statute, a district court may transfer a case upon a motion or *sua sponte*. 28 U.S.C. § 1404 and § 1406. The district court has broad discretion in deciding whether to order a transfer.” *Caldwell v. Palmetto State Savings Bank of South Carolina*, 811 F.2d 916, 919 (5th Cir. 1987). *See Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989). In the present case, the Allred Unit claims should be severed from this lawsuit and transferred to the Northern District of Texas. It is accordingly

**ORDERED** that the Plaintiff's claims arising at the Allred Unit, including claims against John Doe Unit Classification Officer and John Doe Law Library Officer, are severed from this lawsuit and **TRANSFERRED** to the Northern District of Texas, Wichita Falls Division. 28 U.S.C. § 1404(a) and Local General Order 95-2.

**SIGNED this 21st day of August, 2006.**



CAROLINE M. CRAVEN  
UNITED STATES MAGISTRATE JUDGE